

REMARKS

Claims 1-36, 42, 43 and 45-48 are pending. By this Amendment, claim 1 is amended. An Election of Species was required in this application. Accordingly, Applicant elected Fig. 1. Claims 1, 2, 7-19, 21-36, 42, 43 and 45-48 read on elected Fig. 1. Claims 1, 11, 12, 22-24 and 37 remain generic to all species. Applicant thus retains claims 3-6 and 20 as these claims depend from claim 1. Applicant also requests rejoinder of claims 3-6 and 20 when claim 1 is found to be allowable, because claims 3-6 and 20 depend from claim 1 and would thus be allowable for at least the same reasons that claim 1 is allowable.

Applicant appreciates the indication of allowable subject matter in claims 9-12, 15, 17, 21, 23, 46 and 47, and the allowance of claims 25-36, 42 and 43. For the reasons discussed below, all of claims 1-36, 42, 43 and 45-48 are allowable.

Claims 1, 2, 7, 8, 13, 14, 16, 18, 19, 22, 24, 45 and 48 were rejected under 35 U.S.C. §102(b) over DE 197 16 404 (DE '404). The rejection is respectfully traversed.

DE'404 fails to disclose a braking system with a valve device having a second state in which pressurized fluid is delivered from only one of two pressurizing chambers to a brake cylinder and the fluid is permitted to be discharged from the other of the two pressurizing chambers, but none of the fluid discharged from the other of the two pressurizing chambers is permitted to be delivered to the brake cylinder while the valve device is in the second state, as recited in claim 1.

DE'404 fails to disclose all of the features recited in claim 1 because DE'404 always permits the discharge and delivery of fluid from both the chambers 4, 6 to the brake cylinder 3. In the Advisory Action, the Examiner identifies Figure 3 of DE'404 as disclosing all of the features recited in claim 1. By this Amendment, claim 1 has been amended to clarify that none of the fluid discharged from the other of the two pressurizing chambers is permitted to be delivered to the brake cylinder while the valve device in the second state.

As shown in Fig. 3 of DE'404, when fluid is discharged from the chamber 6 (other of the two pressurizing chambers) while the valve 12 is in the closed state, some of the fluid is delivered to an accumulator 23 via the restrictor 25. However, most of the fluid is delivered to the brake cylinder 3 via the pump 10" while the valve 12 is in the closed state. DE'404 fails to provide any disclosure with regard to delivering all of the fluid discharged from the chamber 6 to the accumulator 23 while the valve 12 is in the closed state or using the pump 10" to prevent the delivery of fluid to the brake cylinder 3.

Although the pump 10" may not form a part of a valve device, DE'404 fails to provide any valve or valve device that prevents all of the fluid discharged from the chamber 6 from being delivered to the brake cylinder 3 while the valve 12 is in the closed state. DE'404 discloses the opposite of claim 1 because the pump 10" instead facilitates the delivery of fluid from the chamber 6 to the brake cylinder 3 while the valve 12 is in the closed state. DE'404 also fails to provide any disclosure with regard to turning off the pump 10" while the valve 12 is in the closed state.

Accordingly, DE'404 fails to disclose a valve device with a second state in which fluid is permitted to be discharged from the chamber 6, but none of the fluid discharged from the chamber 6 is permitted to be delivered to the brake cylinder 3 while the valve device is in the second state.

In view of the foregoing, DE'404 fails to disclose all of the features recited in claim 1, as well as the additional features recited in the dependent claims. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36, 42, 43 and 45-48 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SMS/sxb

Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: April 27, 2005

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